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C O N F I D E N T I A L TBILISI 000523

SENSITIVE

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TAGS: PGOV PREL PHUM KDEM GG

SUBJECT: GEORGIA: ELECTION LEGISLATION WORKING GROUP

SPUTTERS TO LIFE

REF: TBILISI 0395

Classified By: AMBASSADOR JOHN F. TEFFT FOR REASONS 1.4 (B) AND (D)

¶1. (SBU) On March 17, 2008, seven political party representatives gathered at the offices of the National Democratic Institute (NDI) for the inaugural meeting of the Election Legislation Working Group (ELWG). Poloff, USAID, the EU/EC, Council of Europe (COE), IFES, and the OSCE observed the meeting. The group, which earlier agreed to a Code of Conduct (reftel), took 40 minutes to determine the chairmanship of the group. Lots were drawn for the initial meeting. Industrialist Zurab Tkemaladze won. Following meetings will be chaired by the representatives on a rotating basis in alphabetical order of the representatives' names (Georgian). The balance of the two hour meeting was dominated by intense argument over where to hold future meetings and how "consensus" (required to reach a decision under the Code of Conduct) would be defined. After much disagreement among the group, it was decided the next meeting will take place at NDI March 20.

¶2. (SBU) All of the participating parties, except the Industrialists, are represented in Parliament. The Labor Party originally signed the Code of Conduct in order to participate in the process. However, before the meeting took place, party leaders refused to participate. Representatives of the parties that attended included:

MP Akaki Minashvili, United National Movement (UNM)
MP Levan Vepkhvadze, Christian-Democratic Movement (CDM)
MP Paata Davitaia, We Ourselves
Levan Gabrichidze, We Ourselves
MP Gia Tortladze, Democratic Party of Georgia
MP Jondi Baghaturia, Georgian Troupe
Giorgi Basharuli, Georgian Troupe
Zurab Tkemaladze, Industrialists
Bachuki Kardava, National Democratic Party (NDP)

¶3. (C) Minashvili was adamant that the group should be able to meet in the Parliament. He argued future meetings should not be held at NDI or any other international organization venue. Tkemaladze was equally strident that the meeting should not be held in Parliament -- as this would preclude participation by the non-parliamentary opposition. Baghaturia reasoned that this was accurate, and said it is unnecessary to give the non-parliamentary opposition such an excuse to not participate. Tkemaladze disingenuously claimed he did not know the Speaker of Parliament was pushing the ELWG, and said he believed the entire ELWG was an NDI initiative and NDI would mediate the sessions. (Note: This position was clearly debunked with all parties prior to signing the Code of Conduct. End note.) Unable to forge a consensus on future venues -- although most representatives supported allowing the rotating chairman to determine it -- the group agreed to meet at NDI on March 20.

¶4. (C) The group argued heatedly over how they would reach decisions on the election code. Again, Tkemaladze argued that they should use a "consensus-minus one" or two-thirds vote, to overcome UNM "obstruction." Others, including Minashvili, argued that the group had already agreed under the Code of Conduct that they should reach consensus among all parties. Minashvili rationalized that yes, the UNM could pass any legislation they want in the Parliament with their overwhelming majority, but that they are participating in good faith and he is representing his party in a quest for overall agreement on the election code. A final decision was not reached.

¶5. (C) Comment: The lack of imaginative alternative suggestions and volume of disagreement among the group was predictable. Minashvili's resistance to having international organizations' leadership in the ELWG was surprising only because he did not suggest any neutral venues other than Parliament. International observers knew there would be intense disagreement on some issues and NDI's Chief of Party suggested to the group that the ELWG should expect such arguments and difficulties. We expect future meetings will see more intense disagreement and progress will likely come in fits and starts; should any of the more radical non-parliamentary opposition parties decide to participate, consensus will undoubtedly become even more difficult to achieve. On the positive side, although this was a painful start, it was a start nonetheless. End comment.

TEFFT